

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	1584.00
COMPLAINT INVESTIGATOR:	Brian Simkins
DATE OF COMPLAINT:	June 12, 2000
DATE OF REPORT:	July 20, 2000
REQUEST FOR RECONSIDERATION:	no
DATE OF CLOSURE:	September 13, 2000

COMPLAINT ISSUES:

Whether the Salem Community Schools and the South Central Area Special Education Cooperative violated:

511 IAC 7-12-1 with regard to the school's alleged failure to implement the student's *individualized education program* (the "IEP") as written, specifically providing monthly progress reports and utilizing the described communication program;

511 IAC 7-11-2(g) with regard to the school's alleged failure to utilize a licensed speech-language pathologist to provide speech therapy to the student;

511 IAC 7-11-1(e) with regard to the school's alleged failure to provide personnel serving the student with specialized training in the area of autism; and

34 CFR 300.347(a)(7) with regard to the school's alleged failure to include in the student's *IEP* a statement of how the student's progress toward the annual goals will be measured and how the student's parent will be informed of this progress.

FINDINGS OF FACT:

1. The student (the "Student") is four years old and completed the 1999-2000 school year in an early childhood program. The local school corporation contracts services for the early childhood program through a non-profit agency, which in turn provides the services in the local community at a private preschool.
2. The Student's *IEP* for the 1999-2000 school year states that the Student's academic progress will be reported monthly, either through a progress note or verbally.
3. The Student's *IEP* for the 1999-2000 school year states that the Student's speech and language ("Speech") progress will be reported annually through written evaluation at the annual case review (the "ACR"). The SLP wrote her end of the year report for the Student's annual case review on May 6, 2000.
4. Progress notes were completed by the Student's teachers at the private preschool for the months of September, October, November, and December 1999. Additional progress notes were completed for January, February, and March, 2000. April and May 2000 progress notes were combined. The manager of the private preschool reported that the progress notes were presented to the

Complainant in person when she was at the private preschool with the Student.

5. The *IEP* for Speech is the only portion of the *IEP* that states a specific communication program to be used with the Student. The annual goal for Speech states, "Improve receptive and expressive communication skills." One of the short-term objectives for Speech states that the Student will use the picture exchange communication system ("PECS"), and "will demonstrate ability to visually discriminate between pictures to obtain desired object."
6. Other than the one short-term objective regarding the PECS program, there are no other goals and objectives requiring the use of the PECS program. The *IEP* states at the bottom of page 2, "Use of PECS system to facilitate communication." Page 3 of the *IEP* states that the Student requires assistive technology devices/services and "PECS program." Page 9 of the *IEP* indicates that the SLP was to work with the Student two times per week for twenty minute sessions, and an additional 20 minutes per week of Speech was to be provided to the Student by the preschool teacher.
7. The local special education cooperative's preschool coordinator (the "Preschool Coordinator") reported that the PECS program was only used by the SLP when working with the Student. The classroom staff used several different communication means with the Student. The Coordinator also reported that the occupational therapist has initiated an assistive technology assessment; however, to receive accurate information, the assessment needs to be conducted while the Student is in the classroom. The assessment will be completed when the Student returns to School in the fall of 2000.
8. The SLP, who has a master's degree in speech and hearing therapy, submitted a written response to the complaint, along with a copy of her attendance sheets for the 1999-2000 school year. The SLP worked with the Student using the PECS a total of 43 times. The Student was absent for 42 sessions. The SLP reported that she was to supervise another individual to work with the Student on the PECS for a third session each week. However, the individual the SLP wanted to work with the Student was unavailable in the fall of 1999; therefore, the SLP provided the third weekly PECS session to the Student. The SLP also reported that she spoke with the Complainant or the Student's grandmother almost weekly about the course of therapy. Further, the SLP met with another SLP who was providing Speech to the Student in his home, to coordinate their approach to the PECS program.
9. The Preschool Coordinator reported that there were two teachers in the preschool classroom during the 1999-2000 school year. Teacher A began the school year, but left in December 1999, with Teacher B replacing her for the remainder of the year. Both teachers are licensed teachers. However, they both had responsibilities to provide services to other preschool classrooms; and therefore, there was not always a licensed teacher in the preschool classroom. A special needs paraprofessional ("Ms. D") was in the preschool classroom at all times to work with the Student.
10. Teacher A attended the following workshops on autism: a one-day workshop on October 6, 1992; a two-day workshop on March 4 and 5, 1993; a two-day workshop on March 4 and 5, 1994; and a one-day workshop on December 8, 1998.
11. No documentation was submitted indicating that Teacher B has received training in autism.
12. No documentation was submitted indicating that Ms. D has received training in autism.
13. The SLP attended the following workshops on autism: a one-day workshop on June 2, 1999; a two-day workshop on autism on June 17, 1999; and a one-day workshop in March 2000.

14. The occupational therapist who provided consultation services on behalf of the Student attended a one-day workshop on autism on October 7, 1998. She also attended a two-day workshop on autism on February 18 and 19, 2000.
15. No documentation was submitted indicating that the physical therapist who provided consultation services on behalf of the Student has received training on autism.

CONCLUSIONS:

1. Findings of Fact #2 and #4 indicate that the Complainant received monthly progress notes as indicated in the Student's *IEP*. Findings of Fact #5, #6, #7, and #8 indicate that only the Speech portion of the *IEP* specifies utilizing the PECS program, and that it was only used by the SLP when working with the Student. The *IEP* did not include any statement that the PECS program would be used by other staff. No violation of 511 IAC 7-12-1 occurred.
2. Finding of Fact #8 indicates that the SLP has a master's degree in speech and language therapy. No violation of 511 IAC 7-11-2(g) occurred.
3. Findings of Fact #11, #12, and #13 indicated that not all personnel working with the Student have had training in the area of Autism. A violation of 511 IAC 7-11-1(e) occurred.
4. Findings of Fact #2 and #3 indicate that the *IEP* included a statement of how the student's progress toward annual goals would be measured and how the Complainant would be informed of the progress. However, Finding of Fact #3 indicates that the Speech progress was to be reported annually. A parent of a student with a disability must be informed of their child's progress at least as regularly as progress is reported to a parent of a non-disabled child. A violation of 34 CFR 300.347(a)(7) occurred.

The Department of Education, Division of Special Education requires corrective action based on the Findings of Fact and Conclusions listed above.

CORRECTIVE ACTION:

The Salem Community Schools and the South Central Area Special Education Cooperative shall:

1. conduct an inservice training with all personnel who provide services to the Student in the area of autism. A copy of the inservice training agenda, along with a sign-in sheet by name and title of those trained shall be submitted to the Division no later than August 31, 2000.
- 2.a. conduct an inservice training with all professional personnel regarding the requirement to report to parents of special education students their children's progress at least as regularly as parents of non-disabled students receive progress of their children. A copy of the inservice training agenda, along with a sign-in sheet by name and title of those trained shall be submitted to the Division no later than August 31, 2000.
- 2.b. reconvene the Student's CCC to discuss Speech and to determine the how the Student's progress will be reported to the Complainant, and indicate such in the *IEP*. A copy of the Student's *IEP* shall be submitted to the Division no later than August 31, 2000.

DATE REPORT COMPLETED: July 20, 2000

